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United Nations S/2003/176

Security Council

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13 February 2003

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Letter dated 5 February 2003 from the President of the Economic and Social Council addressed to the President of the Security Council

I wish to bring to the attention of the members of the Security Council the report of the Ad Hoc Advisory Group on Guinea-Bissau (E/2003/8), established by the Economic and Social Council in October 2002. The report was submitted to the Economic and Social Council last month. After considering it, the Council, during its organizational session for 2003, on 31 January 2003, adopted resolution 2003/1, by which it welcomed the recommendations of the Advisory Group and endorsed the partnership approach it had set out.

I am pleased to note that Ambassador Jagdish Koonjul (Mauritius), former Chairman of the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa, took an active part in the work of the Advisory Group. Furthermore, the Council has invited Ambassador Ismael Abraão Gaspar Martins (Angola), Chairman of the Ad Hoc Working Group for 2003, to do so as well.

As the mandate of the Ad Hoc Advisory Group has been extended until the substantive session of the Economic and Social Council, in July 2003, I look forward to increased interaction between our two bodies in the coming months, thereby contributing to a comprehensive response by the United Nations to the situation in the country. I would be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Gert **Rosenthal**

03-24766 (E) 130203

United Nations S/2003/177

Security Council

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Draft resolution

The Security Council,

Reaffirming the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular resolution 1373 (2001) of 28 September 2001,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

1. *Condemns* in the strongest terms the bomb attack in Bogota, Colombia, on 7 February 2003 in which many lives were claimed and people injured, and regards such act, like any act of terrorism, as a threat to peace and security;

2. *Expresses* its deepest sympathy and condolences to the people and the Government of Colombia and to the victims of the bomb attack and their families;

3. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to work together urgently and to cooperate with and provide support and assistance, as appropriate, to the Colombian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of this terrorist attack;

4. *Expresses* its reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

03-24790 (E) 130203

United Nations

A/57/730 S/2003/178

General Assembly
Security Council

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General Assembly
Fifty-seventh session
Agenda items 36 and 160

The situation in the Middle East

Measures to eliminate international terrorism

Security Council
Fifty-eighth year

Note verbale dated 12 February 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

The Permanent Representative of the Syrian Arab Republic to the United Nations presents his compliments to the Secretary-General and to the President of the Security Council and has the honour to transmit herewith a reply to the Israeli allegations contained in document A/57/717-S/2003/96 (see annex).

It would be appreciated if the text of the present note and its annex were circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 160 and 36, and of the Security Council.

New York, 12 February 2003

03-24747 (E) 180203 180203

Annex

Letter dated 12 February 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

I have the honour to address this letter to you in order to establish certain facts and to respond to the Israeli allegations contained in document A/57/717-S/2003/96 dated 27 January 2003.

Israel, which was established against a background of terrorism and which has continued to practise terrorism since the 1940s, has no right to accuse others of supporting or resorting to terrorism. All are aware that Israel has committed terrorist acts in several capitals and other cities in Europe, Africa and Asia, and in certain Arab countries. The names of the perpetrators and victims of such terrorism are known by all, whether the murder of Count Bernadotte or the massacres at Qibia, Deir Yassin, Qana, Jenin and Gaza. This is attested by the fact that a number of Israeli leaders and military officials were summoned before the courts on charges of genocide.

In the last two years alone, Israel has deliberately killed more than 2,160 innocent Palestinian children and civilians. Observers following developments in the Middle East know full well that the murders and acts of destruction perpetrated by Israel are part of a deliberate policy and ongoing process whose goal is to kill all hopes of establishing a just and comprehensive peace in the region, break the will of the Palestinian people seeking to establish an independent State on its territory and eliminate any likelihood of withdrawal from the occupied Arab territories, since Israel cares nothing for resolutions of international legitimacy and defies the entire international community, in particular the United Nations itself.

In the above-mentioned letter, Israel speaks of everything except the truth. Although it was responsible for killing and wounding innocent Lebanese civilians and destroying a number of homes belonging to Lebanese nationals in an incident that occurred on 21 January 2003, Israel blames the victims and those who defend them. Every time it address the issue of terrorism, Israel puts everyone else in the dock and presents its own behaviour — occupation, murders of innocent Arabs and destruction of their property — as being dictated by the needs of self-defence, whereas, in reality, it is the so-called acts of terrorism that are a defence against occupation, persecution, repression and racial discrimination.

The fact is that the Lebanese national resistance did not appear for no reason; it emerged as a response to the Israeli policy of occupation, murder and repression, which has been going on for more than 22 years. While welcoming certain resolutions adopted by the international community, Israel continues to pay no attention to an incalculable number of resolutions adopted by the Security Council, the General Assembly and the United Nations in general, and by other multilateral international political bodies, which ask Israel to withdraw from the occupied Arab territories and respect international legitimacy.

Lebanon has responded to the Israeli allegations in numerous documents, in particular document A/56/1012-S/2002/829 dated 24 July 2002, in which it reaffirmed that Hezbollah's resistance was aimed at liberating the Lebanese territories still occupied by Israel and that it was responding to the violations of the

Blue Line which Israel committed daily by sending warplanes to overfly the entire Lebanese territory as a provocation. It is such acts that threaten peace and security in the region and that constitute a material breach of resolution 425 (1978), which Israel claims to apply.

It is ironic that Israel also refers in its letter to United Nations documents, since in all those documents the United Nations condemns Israel's practices and asks it to withdraw from the occupied Arab territories and to cease its aggression against the Palestinian, Lebanese and Syrian peoples. A mere perusal of these documents will demonstrate the truth of what we are saying.

Finally, Syria reaffirms the fact that, unlike Israel, it participates fully in international efforts to eliminate international terrorism. Syria cooperates with other countries and will continue to do everything in its power to help save innocent lives in responding to the genuine terrorism that threatens us all and the crimes against humanity committed by Israel.

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

United Nations S/2003/179

Security Council

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14 February 2003

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Letter dated 10 February 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Tuvalu, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

03-25004 (E) 210203

Annex

Note verbale dated 31 January 2003 from the Permanent Mission of Tuvalu to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Tuvalu to the United Nations presents its compliments to the Chairman of the Security Council Counter-Terrorism Committee, and in reference to the note verbale from the former (SCC1C/31/02) dated 12 June 2002 concerning the Tuvalu report on counter-terrorism, has the honour to submit the enclosed report of the Government of Tuvalu on the actions it has taken pursuant to the said resolution (see enclosure)

Enclosure

Report of the Government of Tuvalu submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

1. Tuvalu, a sovereign State in the South Pacific, small in population and land area is extremely vulnerable to natural and manmade disasters due to its smallness, geographical configuration, and lack of capacity and potentials. The island State, however, is still relatively untouched by major waves of changes and influences due to its remoteness.

2. Having joined as full Member of the United Nations in September 2000, Tuvalu is committed to the maintenance of peace, law and order, and believes in the virtues of dialogue as a mechanism to promote peace. In this regard, Tuvalu is determined to make a contribution towards efforts to combat terrorism and terrorists acts in all forms.

3. In the wake of attacks perpetrated by terrorists on Tuesday, 11 September 2001, that has cost thousands of innocent lives in the United States of America, Tuvalu has joined members of the international community in the United Nations and elsewhere and condemned the most savage and barbaric acts. In doing so it has also reaffirmed its commitment to support actions to combat terrorism through dialogue and cooperation at all levels.

4. Although Tuvalu is not a party to all international legal instruments aimed at combating terrorism, it has always been supportive and will continue to support cooperation with neighbouring states and within various regional and international forums particularly via the Pacific Island Forum Secretariat and the United Nations, in order to combat terrorism in a more effective manner.

5. Given its own vulnerability, Tuvalu welcomes the swift actions taken by the United Nations particularly following the events of 11 September 2001, especially the adoption of a number of resolutions that have laid the foundation for the strengthening of modes for international cooperation. Equally indispensable to such cooperation is the need to ensure there are avenues for closer dialogues and assistance to States through bilateral and multilateral channels.

6. Tuvalu also recognizes the risk of being exploited by terrorists if its domestic legal framework and enforcement is perceived as being less than complete, and the potential damage as an investment partner and tourist destination if it was seen as one that was not playing its part in the international fight against terrorism. Recognising its obligations as a United Nations member State, Tuvalu undertook to work as quickly and effectively as possible to meet the requirements of UNSCR 1373.

7. However, it is to be acknowledged that Tuvalu's ability to implement the necessary legislation to give effect to the UNSCR 1373 and the FATF Special Recommendations is very much constrained by its limited capacity in infrastructure, human and financial resources.

8. This being said, the events of September 11, 2001 have put the spotlight on a wider set of problems confronting Small Island Developing States like Tuvalu as a result of increased international mobility of goods, people and capital. This set includes border security, including illegal migration or transit of persons, people smuggling, movements of weapons and dangerous goods, and drug smuggling, and illicit movement of financial resources, which are more aggravated by the vast and open maritime zones that surround the islands.

9. Tuvalu has participated closely in, and is fully committed to the development of regional security measures under the auspices of the Pacific Island Forum which has led to the adoption of crucial regional instruments such as the Honiara Declaration, the Aitutaki Declaration, Biketawa Declaration and the Nasonini Declaration all aiming at improving domestic legislation, law enforcement and regional security in the Pacific. There is certainly a felt need in Tuvalu for assistance to develop local legislation based on the models provided under these regional instruments. Tuvalu is also committed to working together with other security technical bodies like the South Pacific Police Conference, the Oceania Customs Organisation and the Pacific Immigration Directors Conference to fully realize the requirements of the UNSCR 1373.

10. In order to prevent its financial system from being used to finance terrorism, Tuvalu has taken a number of initiatives in close cooperation with regional organizations. In compliance with its obligations under the Pacific Island Forum Honiara Declaration it has already drafted three (3) Bills, which are now ready to be tabled in Parliament. These are the *Proceeds of Crime Bill, the Mutual Assistance Bill, and the Extradition Bill.* Unfortunately, like existing Tuvalu legislation, these Bills do not fully capture the objectives of the UNSCR 1373 in relation to terrorism, terrorist acts and terrorist organization. These terminologies are yet to be properly defined in Tuvalu laws. Nevertheless, the Tuvalu Penal Code, while not defining terrorism, terrorist acts or terrorist organization doe criminalise a criminal conspiracy and those who plan to facilitate a criminal act.

11. Although terrorist act and terrorism are not specifically defined as offences, the consequences of such act which endanger life and property amount to a felonious crime under the Tuvalu legislation if such act was done with intent.

12. The importation of weapons and dangerous goods are fully regulated under the Customs and Arms and Ammunition Acts, which are also sugject to revision to incorporate new changes and circumstances; the Acts prohibit the importation of arms of any form other than those authorized by the Police Department.

13. As part of its efforts to combat terrorism Tuvalu will provide assistance vide the provisions under the Mutual Assistance in Criminal Matters Bill on the following matters, when a foreign country makes a request –

- taking evidence and producing of documents or other article for a proceeding in a foreign country;
- issuing a search warrant and seizing any thing relevant to proceeding or investigation in the foreign country;
- forfeiting and confiscating property for the commission of a serious offence against the law of a foreign country;
- restraining the dealings in a property that maybe forfeited or confiscated because of a serious offence against the law of the foreign country;
- providing assistance in criminal matters when a request is made by a foreign country to give evidence in proceeding or to give assistance for an investigation.

14. Offshore banking in Tuvalu is strictly prohibited. During the past years a good number of clients were turned away for this very reason.

15. Tuvalu has recently developed strategies to draft a Banking Act to effectively regulate banking transactions within Tuvalu, and to provide effective control on other financial institutions affording financial services outside the country. Current legal instruments on financial matters are inadequate to fully accommodate the sophisticated and complicated trends of terrorism.

16. Tuvalu has not yet signed the 1999 UN Convention on the suppression of financing of terrorism, although it is optimistic that it will do so once the enabling legislations are in place as mentioned above. It has however taken note of the fact that the UNSCR 1373 makes mandatory to all UN a comprehensive set of measures for combating terrorism. In order for Tuvalu to fully implement UNSCR 1373 and other UN terrorist related Conventions and Instruments, it is committed to working cooperatively and transparently with Member States to assist it meet its requirements and obligations.

17. As a Small Island Developing State Tuvalu needs assistance in the areas of human and financial resources to implement fully the provisions of UNSCR 1373. It has already sought assistance on the above through the Pacific Island Forum Secretariat, based in Suva, Fiji.

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Letter dated 13 February 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Equatorial Guinea (see annex) submitted pursuant to paragraph 6 of resolution 1373 (2001).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

03-24998 (E) 210203 240203

Annex

Letter dated 11 February 2003 from the Deputy Permanent Representative of Equatorial Guinea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Spanish]

Following the meeting held at United Nations Headquarters on 11 December 2002 with Ambassador Curtis A. Ward, Adviser on Technical Assistance to the Counter-Terrorism Committee, I have the honour to transmit to you the attached provisional report of Equatorial Guinea on measures for the implementation of Security Council resolution 1373 (2001) on combating international terrorism and transnational crime (see enclosure).

As the report indicates, the Government of Equatorial Guinea formally requests technical, legal and financial assistance from the Committee and would welcome its cooperation in order to complete the preparation of the report in order to comply fully with the terms of paragraph 6 of resolution 1373 (2001).

(*Signed*) Antonio **Ebale Ayingono**
Ambassador
Deputy Permanent Representative

Enclosure

Measures for the implementation of Security Council resolution 1373 (2001) on combating international terrorism and transnational crime

Report of the Government of Equatorial Guinea

Malabo
December 2002

I. Introduction and background

1. Following the terrorist attacks on 11 September 2001, which caused unprecedented shock and indignation throughout the world, and which His Excellency Teodoro Obiang Nguema Mbasogo, President of Equatorial Guinea, witnessed directly and experienced in person, as he was on a visit to the United States of America on that date, the Government of Equatorial Guinea, on the basis of resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001, immediately became more aware of the serious threat constituted by the phenomenon of terrorism to international peace and security, and indicated its full readiness to cooperate, with the scant means at its disposal, in combating terrorism.

2. As preliminary and general considerations for the preparation of this report, it is appropriate to note that during the period prior to those dramatic events the Government of Equatorial Guinea, through the competent State services, did not record with certainty or have at its disposal key elements of concrete evidence for considering the degree of risk and confirming the existence of terrorist links or connections in Equatorial Guinea, or that the national territory might constitute a possible focus of terrorist activities and the intolerance brought about by religious fundamentalism.

3. On the other hand, with the liberalization of the national economy in recent decades, Equatorial Guinea has been experiencing an increasing and progressive influx of foreign communities of various nationalities engaging in commercial activities, prominent among which are small colonies of Lebanese, Nigerians, Malians, Senegalese and Beninese, among others. To date, nevertheless, the Government has no evidence of a possible connection between their activities and the economic and financial networks of terrorism.

4. Meanwhile, the Government has become fully aware that the growing increase in private investment from the United States in activities in the oil sector and its present and future production and transformation facilities and the existence of other major interests of western countries in Equatorial Guinea indicate the need to design and adopt supporting measures, advisory services, technical assistance and cooperation with Equatorial Guinea to back the Government's efforts to put into effect domestic and international mechanisms and strategies to prevent and suppress the activities of international terrorism in accordance with the law, in that because of these interests Equatorial Guinea might become a potential target for terrorist activities.

5. Accordingly, the Government of Equatorial Guinea formally, explicitly and concretely requests technical and legal assistance from the Security Council Committee established pursuant to resolution 1373 (2001) in order that it may cooperate fully with the Committee in the most appropriate formulation and submission of the present report on measures the States Members of the United Nations may take, at the domestic and international levels, to combat terrorism, without prejudice to the following activities and steps undertaken by the Government in this connection.

II. Action at the national level

6. In relation to combating terrorism, the Government bears in mind the particular and very complex territorial configuration of Equatorial Guinea, with its division into a continental part and a number of islands, as well as the country's geographical and geostrategic location in the Gulf of Guinea, as a result of which all these parts of the maritime and continental national territory need to be provided with mechanisms capable of detecting and monitoring possible terrorist activities in the country, as well as of ensuring protection of all national and foreign interests.

7. In the light of the foregoing, the Government of Equatorial Guinea strongly and unreservedly condemned the terrorist attacks that took place in Washington, New York and Pennsylvania on 11 September 2001; the Government and Parliament adopted public and institutional declarations rejecting and condemning terrorism, and multidenominational services expressing support and solidarity with the United States of America were organized throughout the country.

8. With the same rigour and firmness, the Government of Equatorial Guinea strongly condemned each and every one of the criminal terrorist attacks perpetrated against various countries in the Americas, Europe, Asia and Africa.

9. Since the terrorist attacks of 11 September 2001, the Government of Equatorial Guinea has, despite the shortcomings and the lack of appropriate means, promoted and encouraged constant mobilization of all competent State institutions and services to devise and adopt in conformity with the law all possible police, judicial, economic, administrative and financial arrangements aimed at contributing, within the framework of the international alliance of solidarity, to preventing, combating and suppressing the activities of terrorism and transnational organized crime in all their forms and manifestations.

10. Accordingly, the departments dealing with the administration of justice, the national armed forces, the State security bodies and the agencies responsible for administration and economic and financial services have been instructed, within their spheres of competence as laid down by law, to promote appropriate activities for combating and suppressing the networks and connections of international terrorism and transnational crime.

11. Specifically, the competent police and immigration services are working intensively, in accordance with the law, to regulate the entry, sojourn and residence of foreigners in Equatorial Guinea and to apply controls to ensure the exercise of their legal activities there and the protection of their interests within the framework of the measures designed to prevent and combat terrorism.

III. Action at the subregional and regional levels

12. In response to the terrorist attacks of 11 September and in the context of his activities as current chairman of the Economic Community of Central African States, the President of Equatorial Guinea took the initiative of promoting consultation and coordination within the Central African subregion with a view to cohesive and effective action by the States of the subregion to combat terrorism and transnational crime in all their forms and manifestations in the light of the subregion's geographical location and economic and strategic interests.

13. In the same spirit, the Government of Equatorial Guinea has acceded to and ratified the following conventions and instruments of the African Union for the prevention and combating of terrorism and transnational crime:

(a) OAU Convention on the Prevention and Combating of Terrorism;

(b) OAU Convention for the Elimination of Mercenarism in Africa;

(c) African Nuclear-Weapon-Free Zone Treaty;

(d) African Charter on the Rights and Welfare of the Child.

IV. Action at the international level

14. The Government of Equatorial Guinea reaffirms that the adoption of Security Council resolution 1373 (2001) was a milestone which affords Member States a better understanding of the phenomenon and of the efforts needed from them to combat and suppress all manifestations of international terrorism and transnational organized crime.

15. The Government of Equatorial Guinea also expresses its full support for the principle that, in conformity with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[a] and Security Council resolution 1189 (1998), every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts.

16. The Government of Equatorial Guinea also understands that, in conformity with the Charter of the United Nations, States have the obligation to combat threats to international peace and security in any region of the world with all the means at their disposal. To this end, measures need to be adopted by all legal means available to prevent and suppress in their territories the financing and preparation of terrorist acts, as well as to increase cooperation and implement the international agreements against terrorism, and especially to accede to the relevant international agreements and protocols relating to terrorism.

17. In this spirit, independently of the actions and measures taken at the national level and within the framework of subregional cooperation, the President of the Republic, His Excellency Teodoro Obiang Nguema Mbasogo, has personally reaffirmed the unequivocal position of Equatorial Guinea in the effort to combat terrorism and has repeatedly referred to the challenges posed for Equatorial Guinea by the phenomenon of terrorism in all aspects.

18. This position of Equatorial Guinea has repeatedly been expressed in various international forums, and personally by the President of the Republic on the occasion of the meeting with the President of the United States, George Walker Bush, held with the heads of State of Central Africa in New York during the fifty-fifth regular session of the General Assembly and the commemoration of the first anniversary of the terrorist attacks on the United States on 11 September 2001, with emphasis on the need to assist, support and protect Equatorial Guinea against the serious threat posed by the phenomenon of international terrorism and transnational crime.

19. In this connection, in the context of its firm resolve to cooperate with the efforts of the international community, the Government of Equatorial Guinea has ratified and acceded to the following universal conventions relating to combating terrorism and transnational crime:

(a) Convention on Offences and Certain Other Acts Committed on Board Aircraft;

(b) Convention for the Suppression of Unlawful Seizure of Aircraft;

(c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;

(e) International Convention against the Taking of Hostages;

(f) Convention on the Physical Protection of Nuclear Material;

(g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

(i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

(j) Convention on the Marking of Plastic Explosives for the Purpose of Detection;

(k) International Convention for the Suppression of Terrorist Bombings;

(l) International Convention for the Suppression of the Financing of Terrorism.

V. Conclusion

20. By tradition and vocation, Equatorial Guinea has been and wishes to continue to be an eminently peaceful country and a nation in which peace, harmony, security and stability prevail, and hopes to retain this inestimable privilege as a gift of Mother Nature to the character and nobility of its people. Accordingly, the threat posed by the phenomenon of international terrorism and transnational crime

constitutes a genuine challenge to the people of Equatorial Guinea in its will to preserve and strengthen these values as a mark of its national identity.

21. Consequently, reaffirming its firm resolve to contribute with the means at its disposal to the international community's efforts to combat terrorism and organized crime, it reiterates its strong interest in cooperating with the Counter-Terrorism Committee in the preparation of the report on the measures Member States may take to combat terrorism, for the purpose of complying fully with the terms of Security Council resolution 1373 (2001).

Notes

[a] General Assembly resolution 2625 (XXV), annex.